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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 ADRIAN ANGEL LOPEZ,
16 Defendant.
17

) No. CR 10 - 0236 EJD
)
) STIPULATION RE CONTINUANCE
) OF STATUS DATE; ~~PROPOSED~~
) ORDER
)
)
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)

18 It is hereby stipulated between the defendant Adrian Angel Lopez, by and through his attorney
19 of record VICKI H. YOUNG, and the government, through Assistant United States Attorney
20 TIMOTHY J. LUCEY, that the status date of January 29, 2013, at 1:30 p.m., be continued to
21 February 11, 2013, at 1:30 p.m.

22 The reason for this continuance is that counsel for the government is scheduled to appear
23 before the Honorable William H. Alsup for a sentencing in an under seal matter on Tuesday, January
24 29, 2013, at 2:00 p.m. in San Francisco, and this date for the matter before Judge Alsup had been set
25 prior to this Court resetting the status conference in this matter from January 28th to January 29th.

26 In addition, defense counsel is currently appearing before the State Bar Court, such that she
STIPULATION RE CONTINUANCE;
[PROPOSED] ORDER

1 may not be available to appear on January 29, 2013.

2 A continuance to Monday, February 11, 2013, is requested in order to accommodate the
3 respective calendars of both counsel.

4 Under Title 18 U.S. C. §3161, the continuance is necessary to ensure continuity of counsel and
5 to allow the attorneys for the government and the defense the reasonable time necessary for effective
6 preparation taking into the account the exercise of due diligence as well as to ensure continuity of
7 counsel. Therefore, the time period from January 29, 2013 through February 11, 2013, should be
8 excluded.

9 **IT IS SO STIPULATED.**

10 Dated: January 24, 2013

Respectfully submitted,

11
12 /s/ Vicki H. Young
13 VICKI H. YOUNG, ESQ.
14 Attorney for Adrian Angel Lopez

15
16 Dated: January 24, 2013

MELINDA HAAG
UNITED STATES ATTORNEY

17
18 /s/
19 TIMOTHY J. LUCEY
20 Assistant United States Attorney

21 **~~PROPOSED~~ ORDER**

22 GOOD CAUSE BEING SHOWN, the status date appearance set for January 29, 2013, is
23 continued to February 11, 2013.

24 This Court finds that the period from January 29, 2013, through and including February 11,
25 2013, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161.

26 The basis for such exclusion is that the counsel for the government has become unavailable on
STIPULATION RE CONTINUANCE;
[PROPOSED] ORDER

1 Tuesday, January 29, 2013, due to a conflict with a matter previously set for sentencing before the
2 Honorable William H. Alsup of this Court on the afternoon of January 29, 2013, at 2:00 p.m.

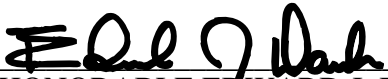
3 In addition, counsel for defendant is currently appearing on a matter before the State Bar Court
4 in San Francisco, and may not be available to appear before this Court on January 29, 2013.

5 Furthermore, that the parties require additional time to evaluate the particulars and parameters of a
6 bench trial, including whether the government will agreed to waive its right to jury trial.

7 Therefore the ends of justice served by such a continuance outweigh the best interest of the
8 public and the defendants in a Speedy Trial within the meaning of 18 U.S.C §3161 in order to ensure
9 continuity of counsel and effective preparation of counsel.

10 As required by 18 U.S.C §3161, this Court finds that the reason that the ends of justice
11 outweigh the best interest of the public and the defendant in a speedy trial are the denial of the
12 continuance would unreasonably deny both the attorney for the government and the attorney for the
13 defendant reasonable time necessary for effective preparation taking into account the exercise of due
14 diligence as well as the need to ensure continuity of counsel. 18 U.S.C. §3161.

15 DATED: 1/25/2013


HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE